

GOVERNMENT OF TELANGANA
ABSTRACT

Public Servants – RWS&S Dept. – Allegations of irregularities in finalization of tenders for 27 works proposed under NRDWP to provide augmentation to Single Village Schemes (SVS) at various villages in RWS&S Sub-Division, Kamareddy, Nizamabad District - Sri U.S.N. Murthy, the then i/c Executive Engineer, RWS&S, Nizamabad, presently working as i/c Executive Engineer, RWS&S Division, Adilabad - Disciplinary proceedings under Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 – Article of charges – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.I) DEPARTMENT

G.O.RT.No. 633

Dated: 30/09/2015

ORDER:

It is proposed to hold an enquiry against Sri U.S.N. Murthy, the then i/c Executive Engineer, RWS&S, Nizamabad, presently working as i/c Executive Engineer, RWS&S Division, Adilabad, in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the enquiry is proposed to be held is set out in the enclosed statement of article of charges (Annexure-I). A list of documents by which and a list of witnesses by whom, the article of charges are proposed to be sustained are also enclosed (Annexure-II).

3. Sri U.S.N. Murthy, the then i/c Executive Engineer, RWS&S, Nizamabad, presently working as i/c Executive Engineer, RWS&S Division, Adilabad, is directed to submit within ten (10) days of the receipt of this order, a written statement of his defence.

4. Sri U.S.N. Murthy, the then i/c Executive Engineer, RWS&S, Nizamabad, presently working as i/c Executive Engineer, RWS&S Division, Adilabad, is informed that an enquiry will be held only in respect of article of those charges as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri U.S.N. Murthy, the then i/c Executive Engineer, RWS&S, Nizamabad, presently working as i/c Executive Engineer, RWS&S Division, Adilabad,, is further informed that if he does not submit his written statement of defence on or before the Period specified in Para 3 above or otherwise fails or refuses to comply with the provisions of Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex-parte.

6. Sri U.S.N. Murthy, the then i/c Executive Engineer, RWS&S, Nizamabad, presently working as i/c Executive Engineer, RWS&S Division, Adilabad, is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Sri U.S.N. Murthy, the then i/c Executive Engineer, RWS&S, Nizamabad, presently working as i/c Executive Engineer, RWS&S Division, Adilabad, is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

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7. The receipt of this G.O. shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

J. RAYMOND PETER
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri U.S.N. Murthy, the then i/c Executive Engineer, RWS&S, Nizamabad, presently
working as i/c Executive Engineer, RWS&S Division, Adilabad, through
the Engineer-in-Chief, RWS&S, Hyderabad.
The Engineer-in-Chief, RWS&S, Hyderabad.
(in duplicate with a request to serve and return the dated acknowledgement copy)
Copy to:
The General Administration (V&E) Department.
(w.r.t. Vigilance Report No.90 (467/V&E/E2/2013), DT. 21.05.2014)
The PR&RD (RWS.I) Dept.
SF/SC

//FORWARDED: BY ORDER//

SECTION OFFICER

ANNEXURE - I

(Annexure to G.O.Rt.No.633 , PR&RD (Vig.I) Dept., dt.30.09.2015)

STATEMENT OF ARTICLE OF CHARGES AGAINST SRI U.S.N. MURTHY, THE THEN I/C EXECUTIVE ENGINEER, RWS&S, NIZAMABAD, PRESENTLY WORKING AS I/C EXECUTIVE ENGINEER, RWS&S DIVISION, ADILABAD.

CHARGE:

That Sri U.S.N. Murthy, the then i/c Executive Engineer, RWS&S, Nizamabad, presently working as i/c Executive Engineer, RWS&S Division, Adilabad, has committed the following irregularities:-

- a) Delegated powers to the Dy.EE, RWS&S, Kamareddy to conduct tenders for 27 works though not competent, violating G.O.Ms.No.94, I&CAD (PW.COD) Dept., dt. 01.07.2003 & codal procedures.
- b) Failed to call for tenders through e-procurement for the work No.6 costing Rs.10.00 lakhs violating G.O.Ms.No.391, PR&RD (Progs.II) Dept., dt. 28.11.2003.
- c) Continued concluding agreements in spite of the uproar in local, news papers and representation to the Dist. Collector on tender processing.
- d) Without conducting detailed enquiry, he misled the District Collector by submitting the reports on allegations obtained from the Dy.EE, RWS&S, Kamareddy on whom allegations were made.

BASIS:

As per the Vigilance Report No.90 (467/V&E/E2/2013) of G.A. (V&E) Dept., dt.21.05.2014, the following findings were found in the allegations of irregularities in finalization of tenders for 27 works proposed under NRDWP to provide Augmentation to Single Village Schemes (SVS) at various villages in RWS&S Sub-division, Kamareddy, Nizamabad District.

The Superintending Engineer, RWS&S, Nizamabad instructed the Executive Engineer to conduct enquiry and submit detailed report to the District Collector on the allegations made on Sri P. Mohan Reddy, Dy. EE, RWS&S, Kamareddy regarding irregularities taken up in the tender process taken up on 27 works in his sub-division. Though irregularities observed, based on the tender evaluation sheets by Dy.EE., the Executive Engineer had concluded the agreements in spite of up-roar in local press.

Further, the action of the Executive Engineer, RWS&S, Nizamabad instructing the Dy.EE Sri P. Mohan Reddy, on whom allegations were made to submit the report on allegations made by the petitioner as instructed by the District Collector is not correct and it indicates the collusion with the Dy.EE, RWS&S, Kamareddy and contractors in tender processing of 27 works. Instead of detailed enquiry by the Executive Engineer, he had simply asked for the report from the Dy. EE concerned and accepted and finalized the tenders relying on the Dy.EE's report on whom allegations were made and the Executive Engineer reported the same to Superintending Engineer, RWS&S, Nizamabd and the District Collector.

The Enquiry into the details of tender process for the works taken up revealed that the Executive Engineer, RWS&S Division, Nizamabad has violated the Govt. instructions and GOs in respect of tenders for SVS works sanctioned under NRDWP grant pertaining to his division as:

- a) He authorized DEEs of RWS&S sub-divisions within his division to conduct tenders, and to submit tender comparative statements, though not

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competent, violating the instructions of G.O.Ms.No.94, I&CAD (PW.COD) Dept., dt. 01.07.2003 regarding the powers of tenders which stipulated that "only the EEs (upto Rs.10.00 lakhs) & SEs (upto Rs.50.00 lakhs) are delegated with the powers to invite tenders and these officers will open and evaluate the tenders as per qualification criteria".

- b) The contention of the EE that the DEEs of division were delegated with powers of finalization of tenders process to complete the execution of works before onset of summer is not correct. If necessary, the required staff would have been drafted from sub-divisions for finalization of the tenders in the Division itself instead of delegating powers to the DEEs. Hence, the accusation has been made that:
- (i) Delegation of powers to the Dy. Executive Engineer for calling the tenders at their level is violation of codal rules. If he feels shortage of time and lack of staff in the division office, he would have deputed the staff from sub-divisions to the division office and called for the tenders at division level.
 - (ii) The action of the Executive Engineer in continuing the tender process and concluding the agreements even after noticing the adverse news items in local papers without making analysis for possibility of cartel information by the contractors, is irregular.
 - (iii) Instead of detailed enquiry, he simply obtained the report from the Deputy Executive Engineer on whom allegations made and submitted the report to the Superintending Engineer, RWS&S Circle, Nizamabad and the District Collector, Nizamabad, which is not correct and misleading higher officials.

From this, it is evident that he has shown Gross Negligence towards his Legitimate Duties and violating Rule (3) of A.P. Civil Services (Conduct) Rules, 1964.

Hence, the charge.

J. RAYMOND PETER
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE – II

(Annexure to G.O.Rt.No.633, PR&RD (Vig.I) Dept., dt. 30.09.2015)

LIST OF THE DOCUMENTS BY WHICH THE ARTICLE OF CHARGES ARE PROPOSED TO BE SUSTAINED AGAINST SRI U.S.N. MURTHY, THE THEN I/C EXECUTIVE ENGINEER, RWS&S, NIZAMABAD, PRESENTLY WORKING AS I/C EXECUTIVE ENGINEER, RWS&S DIVISION, ADILABAD.

Vigilance, Report No.90 (467/V&E/E2/2013) of G.A. (V&E) Dept.,
dt.21.05.2014.

J. RAYMOND PETER
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE – III

(Annexure to G.O.Rt.No.633, PR&RD (Vig.I) Dept., dt. 30.09.2015)

LIST OF THE WITNESSES BY WHOM THE ARTICLE OF CHARGES ARE PROPOSED TO BE SUSTAINED AGAINST SRI U.S.N. MURTHY, THE THEN I/C EXECUTIVE ENGINEER, RWS&S, NIZAMABAD, PRESENTLY WORKING AS I/C EXECUTIVE ENGINEER, RWS&S DIVISION, ADILABAD.

-Nil-

J. RAYMOND PETER
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER